

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

SN COMMERCIAL, LLC,
Plaintiff,

vs.

LYNN A JENKINS, et al.,
Defendants.

MEMORANDUM DECISION AND
ORDER DENYING DEFENDANT'S
MOTION TO DISMISS COMPLAINT

Case No. 1:04-CV-171 TS

This matter is before the Court on Defendant Lynn A. Jenkins' Motion to Dismiss Complaint.¹ The Motion has been fully briefed, and the Court, having considered the pleadings and the file and being otherwise fully informed, will deny the Motion.

¹ Docket No. 61.


After a Default Certificate² was entered against Defendant on July 28, 2005, the Court entered default judgment in favor of Plaintiff and against Mr. Jenkins on November 17, 2005.³ As judgment has been entered, there is no Complaint against Defendant to dismiss.⁴

Based upon the above, it is hereby

ORDERED that Defendant's Motion to Dismiss (Docket No. 61) is DENIED as MOOT.

DATED November 14, 2006.

BY THE COURT:



TED STEWART
United States District Judge

² Docket No. 31.

³ Docket No. 45.

⁴ The Court notes that, after being served with the Complaint in this matter, Defendant previously filed a Motion to Dismiss (Docket No. 8), which was denied by the Court on May 27, 2005 (Docket No. 24). No answer was ever filed. Further, during the pendency of this case, Defendant has filed three separate appeals with the Tenth Circuit, all of which have been disposed of, or dismissed (Docket Nos. 43, 52 and 60).